

**MOTION
EXHIBIT 21**

**FILED UNDER
SEAL**

To: USF Athletic Program
 Attn: Julie Ross, Associate Athletic Director, Compliance and Student Services, jross5@usfca.edu
 cc: Dr. Jeremy Howell, Faculty Athletic Representative, howell@usfca.edu

We understand that you have spoken with our son, [REDACTED] concerning his position in the USF Baseball Program. While [REDACTED] is legally an adult, as [REDACTED] parents we continue to provide him guidance and full financial support. As such, we feel the need to discuss [REDACTED] status in the program with you/your office and to make the University aware of an unfortunate situation that may be rooted in an act of human nature, but has evolved into misconduct and improprieties.

When reviewing the issues below please remember one very important point that everything below relates to; **[REDACTED] has been placed in an unequitable situation as a result of bias within the baseball program.**

Injured At the Start of the Season

Is the department aware that [REDACTED] was injured during pre-season weightlifting? [REDACTED] was injured this past Fall while doing a weight lifting activity under the direction of the program trainers. This was very unfortunate and totally avoidable considering he should not have been doing that type of lifting given a documented condition with his back. It's also unclear how much supervision was provided to the athletes during their weight work outs.

Extremely Limited Opportunity

[REDACTED] has been given extremely limited opportunities to "prove himself" on the playing field (e.g., [REDACTED] While this may seem like a parent "crying" about playing time for their son, if one takes a look at [REDACTED] athletic history (All-American honors in Junior College) his stats have been excellent over the last few years.

Junior College – [REDACTED]

Summer Collegiate League – [REDACTED]

Summer Collegiate League – [REDACTED]

Hostile Environment

With the change in the coaching personnel this year there has been a significant change in the way the program has been managed, and this has created a "hostile environment" for the athletes, especially [REDACTED]. Players are being called out and told they are "pathetic", "weak-minded", "a cancer to the team", and that "they need to understand that their baseball career is over". This is completely unacceptable behavior from any coach, especially a college coach at an institution such as USF, which subscribes to fair play, high values and ethics.

Thick Skin

By now you may be thinking this message is just about protective parents complaining about coaches yelling profanities and cussing at their son. [REDACTED] has thick skin and he understands that there will be times when his performance on the field may earn stern correction. Over the years, [REDACTED] has learned to rise up and meet these situations and **do his job**. So No, this message isn't about bad words; it's about destructive words, an abuse of power and the message the University sends when it allows such behavior to take place.

Complied with Everything

[REDACTED] has complied with everything the coaches and program have asked him to do both on and off the field, regardless of how he's been treated, especially when asked to represent the team at

public events where ethics and values of playing fairly, dedication to goals, etc. are being espoused as the values and ethics of the baseball program; something that he knows to be a sham from this coaching staff.

In fact, when ■ was told by the program that they were cancelling his scholarship, he was also told he wasn't being "cut" because he had "done everything" (the program) had asked him to do. We also discovered that while not an NCAA rule, it is traditional for a program to maintain a student player's status on the team if a player became injured during the season. It can be our only conclusion that the way the program has treated ■ was to bully him to quit, because an outright termination would be something that would probably be questioned.

Unequitable Arrangement

There is a strong perception that there's favoritism and nepotism with the treatment of some players by the coaching staff this season. We understand that ■ has been told that he doesn't "fit" into the program. While we know it's the coaching staff's prerogative to decide if and how a player "fits" into their program, is it fair for this to be based on the coach's desire to spotlight a player? It is also ironic that the program's desire to spotlight some has only seemed to increase as the team has lost more and more.

If you are a pitcher and you have a weak infield, it is a natural reaction (especially if your coach is berating and yelling at you after each game) to force you to concentrate on trying to get strikeouts. Pitchers feel they have no choice but to serve-up strikes and try to take care of as many potential run situations themselves; unfortunately for the pitchers, baseball is not an individual sport but requires a team effort, so instead of improving the situation, they are taking a pounding on the mound. And if you're a "ground ball" pitcher, ■ there is no way that a consistently played weak middle infield will work. In a nut shell the ripple effect is that the Dons are pushing good pitchers out of the program.

Appeal Process

To our knowledge, ■ isn't looking to appeal to keep the baseball scholarship; the environment of this program has "killed" his love for the game and college baseball. He has expressed that it would be very uncomfortable to play for this coaching staff even if his scholarship was still intact.

Understanding this, we didn't write this as a complaint because our son didn't receive significant playing time, or any potential baseball "career" opportunities. We do however think it is a travesty that a program would pretend to offer an opportunity to a player and then not give him an even shot to prove himself. To tell a player you have no value to the team, and then to take a player's scholarship when you gave him no real opportunity to prove his value, is an obvious indicator of an extremely poor coach/program, so let's at least be honest about what this situation really is.

Impedance – Moving on

As recent as when ■ was registering for Spring, 2014 classes, he was assured by his Academic Counselor that he was completely on track for graduating in May, 2015. Just weeks before his meeting with the baseball program, he was told by the same Academic Counselor that he was now short one (1) class.

■ now has to take an overload schedule this Fall to get back on track. While ■ has petitioned for and been granted permission to take this overload, we want to make sure that ■ has no further impedance to complete his degree program next year, and will graduate in May of 2015 - at minimum. No last minute, "oh you need 1 more class".

Commitment

Ironical and terribly sad is the biggest draw USF had for ■ was the coaching staff. He turned down an opportunity to play at a different college, and opted to go to a Jr. College for 1 year, JUST so he'd have the opportunity to play at USF with the coaching staff. Now, it's the coaching staff that have completely taken the love he had for the game, and have "bullied" him with inappropriate "name calling" and general disrespect.

■ enjoys and respects the school enough to want to stay for his last year, and get his degree at USF - what college is supposed to be about in the first place isn't it? However ■ knows that his enrollment at USF was very much contingent financially on maintaining the aid that his scholarship provided. This has created yet another strain on him, having to now search for a part-time job to help cover his last year, and for no justifiable reason.

A coach and an athletic program should be judged on his/her ethical and moral conduct, as well as on his/her win/loss record. A good program shouldn't have to be reminded of doing the right thing for his players. And until this season the coaching staff and the program did follow this process. NCAA rules are built to try and do the right thing for student athletes – the student coming first. NCAA programs will in general, retain a player following an injury incurred during the season, in an effort to “do the right thing” for the individual. Obviously the coaching staff isn't going to step up and take responsibility to “do the right thing”, they are discarding ■ and other young men in the program with consideration of bolstering only a few. However, will the university step-up, specifically to assist ■

Conclusion

We reiterate this message is from us and not from ■ is not a “complainer”. He dealt with the abusive situation for months. Even when we told him that we felt compelled to communicate our feelings on this matter, he was indifferent to our choice to broach this subject with the department; he felt as if the program had made a bad decision but their actions were “not what he signed up for” and he was “done with it”.

■ would remain silent like the other players in this predicament. He would never rock-the-boat for a team and a sport that he once respected. Although we may be bringing these issues forward, we assure you there are other players and parents on the team in the same situation. We are fortunate we have an open relationship with our son and therefore we are aware of the predicament he is in. More than a few parents on the team are going to be shocked when they come to find out their son is in this situation, or that their son is asking to transfer from the school.

Think about how many young men are leaving the team this year with a complete and utter distaste for the USF baseball program. Think about the fact that they will never feel welcome or comfortable joining the alumni of their former team; something that should be one of their proudest accomplishments, both for them and for the school.

We should hope this message is accepted as both informative and constructive; after all a school's reputation is everything.

Thank you for your time and consideration with this matter. We are requesting the meeting scheduled for this coming Wednesday, May 14th, be a teleconference meeting so that we can participate in this discussion. Please confirm the time of the meeting and provide teleconference access for the two of us to call in from separate locations.

Thank you.

Sincerely,

[REDACTED]
[REDACTED]